

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**November 12, 2024 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Lori Litzen, Mikal Lewis, Kevin Kuehn, John Santana, and Gary Drewes.

STAFF PRESENT: Jason Theunissen, TJ Doreff, Jeri Ervin, and Tyler Sobczak (SAO).

ROLL CALL

1. APPROVAL OF THE OCTOBER 28, 2024, MINUTES  
**Moved by Johnson and seconded by Lewis to approve the Minutes of the October 28, 2024, Planning Commission meeting. Vote: unanimous 7 to 0.**
2. APPROVAL OF THE AGENDA  
**Moved by Lewis and seconded by Kuehn to approve the Agenda of the November 12, 2024, Planning Commission meeting. Vote: unanimous 7 to 0.**
3. APPROVAL OF THE CONSENT AGENDA  
**Moved by Kuehn and seconded by Lewis to approve the Consent Agenda of the November 12, 2024, Planning Commission meeting. Vote: unanimous 7 to 0.**

**CONSENT AGENDA**

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission, on certain items from this agenda, are recommendations to the Pennington County Board of Commissioners who will make the final decision.

4. **CONDITIONAL USE PERMIT REVIEW / CUR 12-21:** Ken and Cory Tomovick. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 4, Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

**To approve Conditional Use Permit Review / CUR 12-21 with the following thirteen (13) conditions:**

1. **That the Vacation Home Rental be allowed to have a maximum overnight occupancy, based on SD DANR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**

2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System;
3. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That a minimum of three (3) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty-two square feet, not less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
5. That the address (23639 Strato Bowl Road) continue to be properly posted on both the residence and at the approach so it is visible from both directions of Strato Bowl Road in accordance with Pennington County's Ordinance #20;
6. That if the person designated as the Local Contact is ever changed Ken and Cory Tomovick, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
7. That the applicants continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
8. That the applicants maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
9. That applicants continually comply with the Performance Standards outlined in § 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
10. That each review of Conditional Use Permit / CU 16-21, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review;
11. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
12. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit; and,
13. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CUR 13-19:** Ken and Cory Tomovick. To review a Recreational Resort in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 1, Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

**To approve Conditional Use Permit Review / CUR 13-19 with the following twenty (20) conditions:**

1. **That the Conditional Use Permit be for receptions with a maximum of 20 guests;**
2. **That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System;**
3. **That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
4. **That the business continues to be conducted by members of the family residing on the premises and no more than 1 additional person;**
5. **That prior to any work within the 100-year floodplain, the applicant obtain approval of a Floodplain Development Permit;**
6. **That the applicant continue to provide reliable means of communication in case of an emergency;**
7. **That the lot address (23632 Strato Bowl Road) continue to be posted on the residence at all times and so it is clearly visible from Strato Bowl Road, in accordance with Pennington County's Ordinance #20;**
8. **That the applicant continue to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
9. **That a minimum of ten (10) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
10. **That all music being provided for outdoor activities be shut down by 10:00 p.m.;**
11. **That if alcoholic beverages are to be sold on the property, the appropriate permits or licenses be obtained;**

12. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
13. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
14. That temporary structures, such as tents and port-a-potties only be erected when needed and not on a permanent basis;
15. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
16. That the applicant continue to maintain all necessary permits from the South Dakota Department of Health for the Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
17. That a port-a-potty may be utilized by the guests of the events for wastewater disposal. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources;
18. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
19. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Conditional Use Permit; and,
20. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.

**Vote: unanimous 7 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CUR 21-37:** Todd and Deborah Proctor. To review a Recreational Vehicle to be used as temporary living quarters, less than 180 days per calendar year, in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

PT of Hope Placer, MS 1653 aka NW1/4SW1/4NW1/4, Hope Placer MS 1653, Section 9, T1N, R4E, BHM, Pennington County, South Dakota.

**To approve Conditional Use Permit Review / CUR 21-37 with the following thirteen (13) conditions:**

1. That there be no more than 1 Recreational Vehicle (RV) is allowed to be utilized as temporary living quarters on the subject property;
2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
3. That the RV be pumped and wastewater disposal records be maintained and available for inspection by Planning Staff upon request;
4. That the existing On-Site Wastewater Treatment System (OSWTS) be inspected, if it is not usable, it must be abandoned within 6 months of approval of this Conditional Use Permit and verified by Planning Staff;
5. That an approved OSWTS Construction Permit be obtained prior to the installation of any OSWTS on the property;
6. That an address be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Mystic Road, in accordance with Pennington County Ordinance #20;
7. That the minimum setback requirements of Agriculture District be maintained on the subject property, or an approved Setback Variance(s) be obtained;
8. That the minimum 58-foot Section Line be maintained on the property;
9. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property;
10. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
11. That the property remains free of debris and junk vehicles;
12. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,
13. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CUR 23-34:** Benjamin and Katherine Lee. To review an Accessory Dwelling Unit in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 5, Block 6, Paha Sapa High Country Tract 2, Section 18, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve Conditional Use Permit Review / CUR 23-34 with the following thirteen (13) conditions:**

- 1. That only one Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the applicants obtain an approved Building Permit for the ADU;**
- 3. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;**
- 4. That the ADU has a residential appearance and cannot be a Recreational Vehicle;**
- 5. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Aspen Drive so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 6. That the On-site Wastewater Treatment System (OSWTS) continues to comply with § 331 of the Pennington County Zoning Ordinance (PCZO);**
- 7. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;**
- 8. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;**
- 9. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;**
- 10. That at least 1 off-street parking space be provided for the ADU;**
- 11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;**
- 12. That within 30 days of approval the applicants obtain approved Building Permits for the ADU, tool shed, and loafing shed and pay all applicable penalty fees; and,**
- 13. That this Conditional Use Permit be reviewed in two (2) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**END OF CONSENT AGENDA**

8. CONDITIONAL USE PERMIT / COCU 24-0029: Mike Gennaro. To allow an existing Accessory Dwelling Unit to be located above a detached garage on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract A, Gennaro Subdivision, Sections 14 and 23, T2S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing Accessory Dwelling Unit to be located above a detached garage on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0029 with the following twelve (12) conditions:

1. That only one Accessory Dwelling Unit (ADU) be allowed;
2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;
3. That the ADU has a residential appearance;
4. That a separate address be assigned to the ADU and that it be posted on the residence and at the end of the driveway where it intersects with Pick Axe Lane, so they are clearly visible, in accordance with Pennington County Ordinance #20;
5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO);
6. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
7. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
8. That home occupations in the ADU are prohibited;
9. That at least one (1) off-street parking space be provided for the ADU;
10. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Director, Pennington County Planning Commission, or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Litzen and seconded by Kuehn to approve of Conditional Use Permit / COCU 24-0029 with the following twelve (12) conditions:**

- 1. That only one Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;**
- 3. That the ADU has a residential appearance;**
- 4. That a separate address be assigned to the ADU and that it be posted on the residence and at the end of the driveway where it intersects with Pick Axe Lane, so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO);**
- 6. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;**
- 7. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;**
- 8. That home occupations in the ADU are prohibited;**
- 9. That at least one (1) off-street parking space be provided for the ADU;**
- 10. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;**
- 11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;**
- 12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Director, Pennington County Planning Commission, or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 7 to 0.**

9. EXECUTIVE SESSION

Executive Session was not needed.



10. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 16th and October 28th Planning Commission meetings.

11. ITEMS FROM THE PUBLIC

No motions or actions were taken.

12. ITEMS FROM THE STAFF

A. Building Permit Report. Theunissen reviewed the October 2024 Building Permit Report.

13. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

14. ADJOURNMENT

**Moved by Kuehn and seconded by Litzen to adjourn.**

**Vote: unanimous 7 to 0.**

**The meeting adjourned at 9:10 a.m.**

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Karen McGregor, Chairperson